

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TRUSTEES OF THE OPERATING  
ENGINEERS LOCAL 324 PENSION FUND,

Plaintiffs,

v.

Case No. 14-14906  
HON. TERRENCE G. BERG

HAYES WASHED SAND & GRAVEL  
COMPANY, INC.,

Defendant.

\_\_\_\_\_ /

**ORDER GRANTING PLAINTIFFS'  
MOTION TO AMEND JUDGMENT (DKT. 16)**

Before the Court is Plaintiffs' motion to amend judgment filed on July 1, 2015. (Dkt. 16). Pursuant to the Court's order granting Plaintiffs' unopposed motion for summary judgment on June 23, 2015, (Dkt. 14), the Court entered a judgment in favor of Plaintiffs for unpaid contributions of \$139,386.66. (Dkt. 15). The Court also indicated that the judgment would be amended to include the further mandates of § 1132(g)(2). This section provides that:

In any action under this subchapter by a fiduciary for or on behalf of a plan to enforce section 1145 of this title in which a judgment in favor of the plan is awarded, the court *shall award* the plan

- (A) the unpaid contributions,
- (B) interest on the unpaid contributions,
- (C) an amount equal to the greater of--
  - (i) interest on the unpaid contributions, or
  - (ii) liquidated damages provided for under the plan in an amount not in excess of 20 percent (or such higher percentage as may be permitted under Federal or State

law) of the amount determined by the court under subparagraph (A),  
(D) reasonable attorney's fees and costs of the action, to be paid by the defendant, and  
(E) such other legal or equitable relief as the court deems appropriate.

(emphasis added). Plaintiffs seek to amend the judgment to recover a total sum of \$170,615.07.<sup>1</sup> Defendant failed to file a response or otherwise challenge Plaintiffs' motion. Having carefully reviewed Plaintiffs' supporting documentation, and in accordance with § 1132(g)(2)'s statutory mandate, Plaintiffs' motion to amend the judgment **IS GRANTED**.

**SO ORDERED.**

Dated: July 21, 2015

s/Terrence G. Berg  
TERRENCE G. BERG  
UNITED STATES DISTRICT JUDGE

### **Certificate of Service**

I hereby certify that this Order was electronically submitted on July 21, 2015, using the CM/ECF system, which will send notification to all parties.

s/A. Chubb  
Case Manager

---

<sup>1</sup> This figure includes: (a) unpaid contributions of \$139,386.66; (b) interest on the unpaid contributions of \$10,660.69; (c) liquidated damages of \$16,356.72; and (d) attorneys' fees of \$4,211.